

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

DAINON TARQUINIUS SIDNEY,  
605 Lakemeade Pointe  
Old Hickory, TN 37138  
SSN: XXX-XX-7845  
Debtor(s).

Bk. No. **13-09063-KL3-13**  
Chapter 13  
Judge Keith M. Lundin

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS:** June 11, 2014  
**IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE:** June 25, 2014 at 8:30 a.m. in Courtroom 1, 2<sup>nd</sup>  
Floor Customs House, 701 Broadway, Nashville, Tennessee 37203

**NOTICE OF TRUSTEE'S MOTION TO DISMISS FOR CAUSE, FOR FAILURE  
TO DISCLOSE LIABILITIES**

Henry E. Hildebrand, III, Standing Trustee for Chapter 13 matters in the Middle District of Tennessee, by and through his counsel, has asked the Court for the following relief: **Trustee's Motion to Dismiss for Cause, for Failure to Disclose Liabilities.**

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1<sup>st</sup> Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <https://ecf.tnmb.uscourts.gov>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date: May 21, 2014

/s/ Tracy L. Schweitzer

Tracy L. Schweitzer  
Counsel to Henry E. Hildebrand, III  
Chapter 13 Trustee  
P. O. Box 340019  
Nashville, TN 37203-0019  
615-244-1101; Fax 615-242-3241  
[www.ch13nsh.com](http://www.ch13nsh.com)  
[pleadings@ch13nsh.com](mailto:pleadings@ch13nsh.com)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

DAINON TARQUINIUS SIDNEY,  
605 Lakemeade Pointe  
Old Hickory, TN 37138

SSN: XXX-XX-7845

Debtor(s).

Bk. No. **13-09063-KL3-13**  
Chapter 13  
Judge Keith M. Lundin

**TRUSTEE'S MOTION TO DISMISS FOR CAUSE, FOR FAILURE  
TO DISCLOSE LIABILITIES**

Henry E. Hildebrand, III, Standing Trustee for Chapter 13 matters in the Middle District of Tennessee, by and through his counsel, respectfully moves this Court to dismiss the above-styled case, for cause, for failure of the debtor to adequately disclose liabilities to the Trustee, the Court, and other parties in interest.

In support of the motion, the Trustee would state the debtor filed a voluntary petition under Chapter 13 of Title 11 on October 16, 2013. On December 5, 2013, the Order Confirming the debtor's Chapter 13 Plan was entered by this Court. The Confirmation Order provided for SunTrust Bank as a long-term debt provided for under 11 U.S.C. § 1322(b)(5) for the Trustee to cure a pre-confirmation default and maintain post-confirmation continuing payments to SunTrust Bank. In addition, the Confirmation Order placed the debtor on probation and provided that the case would be dismissed without further hearing upon a plan default and an Order Dismissing Case filed by the Trustee.

A proof of claim was filed on behalf of SunTrust Bank, designated as claim 1 on the Court's claims register, on October 25, 2013. The proof of claim filed by SunTrust was filed as principal balance proof of claim for a total amount of \$142,614.78. Paragraph 2 of the proof of claim states, "Charged off full balance due immediately."

On February 26, 2014, the Trustee submitted an Order Dismissing the debtor's case which was entered February 27, 2014 as a result of a default in plan payments to the Chapter 13 Trustee.

On March 25, 2014, an Order Setting Aside the Dismissal was entered. No objection has been filed to the principal balance proof of claim filed by SunTrust in the amount of \$142,614.78. As a result of the principal balance proof of claim which differs from the debtor's Schedules and confirmed plan providing for SunTrust as a 1322(b)(5) long-term claim, the debtor's Chapter 13 plan is no longer feasible.

WHEREFORE, THE PREMISES CONSIDERED, the Trustee respectfully moves this Court to dismiss the above-styled case, for cause, for the debtor's failure to adequately disclose liabilities.

Respectfully submitted,

/s/ Tracy L. Schweitzer

Tracy L. Schweitzer  
Counsel to Henry E. Hildebrand, III  
Chapter 13 Trustee  
P. O. Box 340019  
Nashville, TN 37203-0019  
615-244-1101; Fax 615-242-3241  
[www.ch13nsh.com](http://www.ch13nsh.com)  
[pleadings@ch13nsh.com](mailto:pleadings@ch13nsh.com)

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certifies that on or before the 21<sup>st</sup> day of May, 2014, a true and correct copy of the foregoing has been served in the following manner:

***Email by Electronic Case Noticing to:***

U. S. Trustee  
Maria M. Salas, Counsel for Debtor

***By U. S. Postal Service, postage prepaid to:***

Dainon T. Sidney, 605 Lakemeade Pointe, Old Hickory, TN 37138  
Salas Law Group PLLC, 33 Music Square West, Suite 100A, Nashville, TN 37203  
Michael N. Wennerlund, Wilson & Associates, Creekside Crossing III, 8 Cadillac Drive, Suite 120, Brentwood, TN 37027  
All Creditors on attached mailing list

/s/ Tracy L. Schweitzer

---

Tracy L. Schweitzer  
Counsel to Henry E. Hildebrand, III  
Chapter 13 Trustee

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

DAINON TARQUINIUS SIDNEY,  
605 Lakemeade Pointe  
Old Hickory, TN 37138

SSN: XXX-XX-7845

Debtor(s).

Bk. No. **13-09063-KL3-13**  
Chapter 13  
Judge Keith M. Lundin

ORDER DISMISSING CASE

It appearing to the Court, based upon the certification of the Trustee's counsel as indicated by her electronic signature below, that the Trustee, by and through his counsel, has filed a Motion to Dismiss the above-styled case for failure of the debtor to adequately disclose liabilities and that, pursuant to Rule 9013-1 of the Local Rules of the Bankruptcy Court for the Middle District of Tennessee, has forwarded a copy of that application along with notice and an opportunity to be heard to the debtor, debtor's counsel, all creditors, and the Assistant U. S. Trustee and that no affected party in interest has objected to or requested a hearing on the Trustee's application, it is

ORDERED, the above-styled case is dismissed, for cause, for failure of the debtor to adequately disclose liabilities.

THIS ORDER WAS SIGNED AND ENTERED  
ELECTRONICALLY AS INDICATED AT THE  
TOP OF THE FIRST PAGE.

APPROVED BY:

Tracy L. Schweitzer  
Counsel to Henry E. Hildebrand, III  
Chapter 13 Trustee  
P. O. Box 340019  
Nashville, TN 37203-0019  
615-244-1101; Fax 615-242-3241  
[www.ch13nsh.com](http://www.ch13nsh.com)  
[pleadings@ch13nsh.com](mailto:pleadings@ch13nsh.com)

**DAINON TARQUINIUS SIDNEY 605 LAKEMEADE POINTE OLD HICKORY, TN 37138**

ATTY: MARIA M SALAS AT SALAS LAW GROUP, PLLC 33 MUSIC SQUARE WEST STE 100 A NASHVILLE, TN 37203

EXCEL ERS LLC % ATTY JAMES R TOMKINS 214 2ND AVE N STE 100 NASHVILLE, TN 37201

NES 1214 CHURCH ST NASHVILLE, TN 37246

NASHVILLE ELECTRIC SERVICE 1214 CHURCH STREET NASHVILLE, TN 37246

OCWEN LOAN SERVICING 1661 WORTHINGTON RD STE 100 WEST PALM BEACH, FL 33409

SMITH & TOMPKINS 214 2ND AVE N STE 100 NASHVILLE, TN 37201

CSST NASHVILLE 220 ATHENS WAY STE 500 NASHVILLE, TN 37228

CHARTER COMMUNICATIONS 223 S COLLEGE ST LEBANON, TN 37087

EXCEL ERS LLC 232 WESTHESTER ROAD COTTONTOWN, TN 37048

STATE FARM BANK 3 STATE FARM PLAZA N3 BLOOMINGTON, IL 61791

MARIA M SALAS AT SALAS LAW GROUP, PLLC 33 MUSIC SQUARE WEST STE 100 A NASHVILLE, TN 37203

THE BANK OF NASHVILLE 401 CHURCH ST NASHVILLE, TN 37219

DAVIDSON COUNTY REGISTER OF DEEDS 501 BROADWAY STE 501 NASHVILLE, TN 37203

VALINDA BURKS 605 LAKEMEADE POINTE OLD HICKORY, TN 37138

BARCLAYS BANK DELAWARE 700 PRINDES XING NEWARK, DE 19713

OCEAN BEACH CLUB LLC 932 LASKIN RD VIRGINIA BEACH, VA 23451

STATE FARM BANK FSB ATTN BCC BANKRUPTCY P O BOX 2328 BLOOMINGTON, IL 61702

WILSON AND ASSOCIATES PLLC CREEKSIDE CROSSING III 8 CADILLAC DRIVE SUITE 120 Brentwood, TN 37027-7027

BANK OF NASHVILLE DAVIDSON CO CHANCERY COURT 1 PUBLIC SQ STE 308 NASHVILLE, TN 37201

SUNTRUST BANK DAVIDSON CO GEN SESS 408 2ND AVE N NASHVILLE, TN 37201

EXCEL RES LLC DAVIDSON CO GEN SESS CT 408 2ND AVE N NASHVILLE, TN 37201

AMERICAN INFOSOURCE LP AS AGENT FOR DIRECTV MAIL STATION N387 2230E IMPERIAL HWY EL SEGUNDO, CA 90245

AUSTIN PEAY STATE UNIVERSITY NCO FIN P O BOX 15636 WILMINGTON, DE 19850

SPRINT NO ADDRESS GIVEN , 00000

OCWEN LOAN SERVICING LLC P O BOX 24605 WEST PALM BEACH, FL 33416

CHASE MANHATTAN MORTGAGE P O BOX 24696 COLUMBUS, OH 43224

UNITED STATES TREASURY P O BOX 7317 PHILADELPHIA, PA 19101-7317

INTERNAL REVENUE SERVICE P O BOX 7346 PHILADELPHIA, PA 19101-7346

CREDIT FIRST NA P O BOX 818011 CLEVELAND, OH 44181

BUCKLEY MADOLE PC P O BOX 829009 DALLAS, TX 75382

SUNTRUST BANK P O BOX 85092 RICHMOND, VA 23286

SUNTRUST BANK P O BOX 85526 RICHMOND, VA 23285

FIA CSNA BANK OF AMERICA P O BOX 982235 EL PASO, TX 79998

ONE WEST BANK SHAPIRO AND KIRSCH LLP 555 PERKINS RD EXTENDED 2ND FLOOR MEMPHIS, TN 38117

SUNTRUST BANK SUPPORT SERVICES P O BOX 85092 RICHMOND, VA 23286

ALTAIR OH XIII LLC WEINSTEIN PINSON AND RILEY 2001 WESTERN AVENUE STE 400 SEATTLE, WA 98121